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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/315,707	05/20/1999	ERIK C. SCHYLANDER	PHN-16.938	6850

7590

09/24/2002

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EXAMINER

BOCCIO, VINCENT F

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 09/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/315,707

Applicant(s)  
Schylander

Examiner  
Boccio, Vincent

Art Unit  
2615



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 3, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-8 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2615.

Claim Rejections - 35 USC § 102/103

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:  
A person shall be entitled to a patent unless -  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 5-8 are rejected under 35 U.S.C. 102(b) as anticipated by David(WO 98/09290) or, in the alternative, under 35 U.S.C. 103(a) as obvious over David(WO 98/09290).

Regarding claims 1-3, 5-7, David discloses and meets the limitations associated with a method of reproducing from a record carrier storing at least video related and control data items in digital form(abstract, "interactive control" and page 4, "MPEG"), which control data enable playback control of the user data, which control data comprises at least

play control data which defined user data items which are playable(page 5, "Play list"), at least selection control data

for enabling a user to select and control reproduction of user data and at least variable control data for operating on user and system variables (page 7-8, "defaults country, language levels of ratings {TOC}, player capability, user variables and system variables), characterized in that the variable control data comprises at least one conditional arithmetic operation (page 9, "additions, subtractions, multiple and divide", used in the programming of the interactive disk to provide control and data selection, locating, jumping to a different part of a sequence based on user input).

An example the examiner believes reads on, besides others

- o "a conditional arithmetic operation", the examiner cites page 4, lines 31-, "The numeric value of the wait time field is a measure for a number of seconds, during which a user can give input while the display item is displayed.", therefore the arithmetic part is an arithmetic counting up or down and comparison of a wait time by subtracting duration from the wait time, when = zero, then over, therefore conditional based on a users input and arithmetic by a timer, comparator}, as disclosed.

The conditional operations are the interactive operation, requesting a user input in the form of a menu to dictate the direction of the interactive operations, provided in a wait loop {abstract}, wherein unconditional GOTO, is a point in the play

list which directs the playback in one direction only, merely one item in the play list, where the user does not choose the next sequence, which each command list comprises only one instruction apart from the unconditional GOTO met when the user initiates reproduction from a play list and start item is unconditional because there exist no multiple paths or user control, any play list provides an unconditional GOTO when selecting the first item to reproduce.

Regarding claim 8, David further meets the limitations wherein the record carried can be characterized in that the

play control data(page 4, lines 25-, ) is embedded in play lists(page 4, lines 20-);

play list header(line 25);

reference to further list(lines 26-27, "prev\_list, next\_list");

wherein the selection control data is embedded in selection lists(page 6, line 8-, "prev, next and return\_lists");

wherein the selection list includes a selection list header(line 14) and at least one reference to corresponding to a user

selection(line 9, 20, 22, 24, "user chooses default" etc...),

wherein the headers for different selection lists are different, due to the selection list headers define the start of a selection list, wherein at least one command list contains a reference to a play or selection list(page 2, line 31-).

On the alternative, the examiner takes official notice that conditional and arithmetic code can be generated used together in addition, can be used on the same statement list or to utilize arithmetic and if then even else statements, used together, as is known in programming data structures, therefore, if David is determined to not suggest the utilization of for example If then, which is conditional, in combination with arithmetic operators, if x=1 than {perform a calculation}, would have been obvious to programmers {one skilled in the art}, to utilize more complex data programming data structures incorporating conditionals and arithmetic operations, as is well known to those skilled in the art.

**Response to Arguments**

3. Applicant's arguments filed 6/24/02 have been fully considered but they are not persuasive.

{A} In re page applicant states, "Thus, there is no specific or suggestion conditional arithmetic operation taught by Edwards.".

In response the examiner fails to agree.

1} The examiner challenges applicant to support in the reference David, supporting wording that either indicates or clearly states that in the programming data structures that can be generated that conditional statements and arithmetic cannot be used together,

for example, wherein an, {If then, statement} or other conditional statement, cannot be used with an arithmetic operator.

The examiner cites page 4, lines 31-, "The numeric value of the wait time field is a measure for a number of seconds, during which a user can give input while the display item is displayed.", therefore the arithmetic part is an arithmetic counting up or down and comparison of a wait time by subtracting duration from the wait time, when = zero, then over, therefore conditional based on a users input and arithmetic by a timer, or duration dictating user input time for a response, as disclosed.

In addition since the reference David is considered to be functional and usable, disclosing structures or "Programming", using statements such as multiply, subtraction, divide etc., meeting the limitation of wherein operations can be carried out using arithmetic instructions, in statement lists {page 8, lines 26-27}, wherein further operations of statement list program structures also can comprise, "arithmetic", as well as conditional programming operands {page 9, line 10-, "conditional type", "if then else"}, or control structures, as disclosed {page 8, line 33 to page 9, line 18}, it is therefore, considered anticipated that since all these types of data structures can be or intended to be utilized in combination, due to no disclosure to the contrary,

programming code, operational statements such as conditional and arithmetic are suggested to be used together, therefore, meeting the limitation of providing, conditional-arithmetic operations or programming capability, to create interactive data structures, as suggested by the reference as understood by the examiner, as is deemed to be well known to those skilled in the art {also reference abstract}.

To support the examiner, the examiner cites, page 2, lines 17-23, David, suggests, the usability of different type of programming data structures to be utilized together,

"first data structure comprises a play list, .....  
and that at least one of further control structures is provided, .. from the control structures:

regional play list,

statement list,

conditional list,

control list",

wherein the statement list is associated with various arithmetic operations and conditional list also comprise conditional control structures and can be used together, providing the means to create data programming structures having the combination of conditional, as well as, arithmetic operations or operands, or operational code having conditional as well as arithmetic operations or statements, as is well known to those



skilled in the art, that these structures can be used together, as is well known to those skilled in the art.

The examiner believes that conditional and arithmetic can be used together and therefore anticipates the limitation, and if this position is not deemed anticipated, the examiner, renders the claims either anticipated in not obvious in view of those skilled in the art, and will provide additional evidence to support the examiner, if necessary.

**Contact Fax Information**

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communication intended for entry)

**or:**

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")  
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


**Contact Information**

4. Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Vincent F. Boccio (703) 306-3022.

If any attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Andy Christensen (703) 308-9644.

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service (703) 306-0377.

Primary Examiner, Boccio, Vin  
September 23, 2002

  
**VINCENT BOCCIO**  
**PRIMARY EXAMINER**